

REMARKS

Claims 1-14 are pending in the application.

The specification is objected to by the Examiner, and the Abstract is amended in response.

Claims 1-14 stand rejected under 35 U.S.C. § 102(b) as anticipated by Yashita, et al. U.S. Patent No. 5,874,817.

Reconsideration is requested. Claims 1, 4, 6, 9 and 12 are amended. Claims 2, 3, 5, 7, 8, 11, 13 and 14 are cancelled. Claims 1, 4, 6, 9, 10 and 12 remain in the case for reconsideration, and are patentable over Yashita, et al.

In the office action, the Examiner states in connection with the claims 2 and 11 that Yashita et al. discloses “three types of brake modes include a first brake mode which uses windage loss by idling of the spindle motor (this is call mechanical brake method in the art). Yashita calls the first mode (all short brake mode) see Col. 22, lines (30-40).”

However, the portion of Yashita et al. pointed out by the Examiner simply says that:

“In this third embodiment, the above mentioned selection signal is explained below. A first mode in the decelerating mode indicates the all-short-brake mode, which is indicated by [H, H] (the left side "H" represents a signal inputted to the selection signal input node a and the right "H" side represents a signal inputted to the selection signal input node b, and the same applies to the rest of the specification unless there is a special explanation), for example. This first mode is used during the deceleration moving period in case that a small number of tracks are skipped, in the decelerating mode period.” Col 22, lines 30-40.

Further, with regard to the all-short-brake mode, it is defined in the specification as “The system for decelerating a motor, in which the power-supply side output power transistors 1 - 3 are all in non-conductive state and the earth side output power transistors 4 - 6 are all in conductive state, is called as an all-short-brake.” (see lines 19 to 22 of column 18).

In Yashita et al., there is no description which teaches or suggests that the all-short-brake uses windage loss by idling of the spindle motor as indicated by the Examiner. Therefore, the first mode of Yashita et al. using the all-short-brake is different from the first brake mode of the present invention which uses windage loss by idling of the spindle motor.

Further, in the present invention, as defined in the amended claim 1, the selection of the brake modes is operated only when the spindle motor rotates at a high rotational speed above the first threshold value. Namely, the windage loss by idling of the spindle motor is

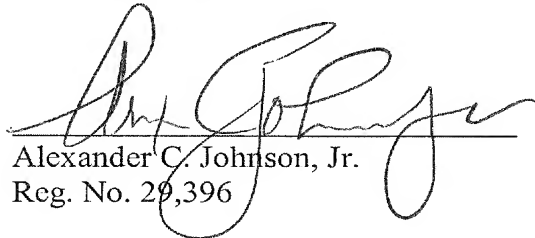
used only in the case where the spindle motor rotates at the high rotational speed. Yashita et al. does not disclose or suggest this feature.

For the reasons stated in the above, amended claim 1 is patentable over Yashita et al. Likewise, dependent claims 4, 6, 9, and 10 are also patentable.

Method claim 12, as amended, is similarly allowable over Yashita, et al.

For the foregoing reasons, reconsideration and allowance of the claims as amended is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,
MARGER JOHNSON & McCOLLOM, P.C.



Alexander C. Johnson, Jr.
Reg. No. 29,396

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204
503-222-3613

Customer No. 20575